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23 *Attorneys for Plaintiffs Full Circle of Living
24 and Dying; Bonnie "Akhila" Murphy; Donna
25 Peizer; Pamela Yazell; Kay Hogan; Janaia
26 Donaldson; and Robin Mallgren*

27 UNITED STATES DISTRICT COURT

28 EASTERN DISTRICT OF CALIFORNIA

21 FULL CIRCLE OF LIVING AND
22 DYING, et al.,

23 No. 2:20-cv-01306-KJM-KJN

24 *Plaintiffs,*

25 **PERMANENT INJUNCTION**

26 v.
27 GINA SANCHEZ in her official capacity as
28 Bureau Chief of the Cemetery and Funeral
29 Bureau, et al.,

30 *Defendants.*

1 On January 24, 2023, the court entered an order on the parties' cross-motions for summary
2 judgment. ECF No. 63. The order left open the question of whether the Cemetery and Funeral
3 Bureau can cite Full Circle's doulas for acting as unlicensed funeral directors when they provide
4 "hands-on" services. ECF No. 63 at 29:15-17, 31:28-32:2. That order directed the parties to meet
5 and confer and then file a "joint proposed formal permanent injunction order" consistent with the
6 court's summary-judgment ruling. *Id.* at 41. The parties filed their joint proposed permanent
7 injunction on February 7, 2023. ECF No. 64. In accordance with the Summary-Judgment Order
8 and the parties' proposed permanent injunction, the court hereby orders defendants Gina Sanchez,
9 Kimberly Kirchmeyer and Castro Ramirez, in their official capacities, and all persons acting in
10 concert with them, are permanently enjoined from enforcing the Cemetery and Funeral Act, Cal.
11 Bus. & Prof. Code, Div. 3, Ch. 12, and Cal. Code. Regs. Title 16, § 1246, against plaintiffs as
12 follows:

- 13 1. On the grounds that plaintiff Full Circle is acting as an unlicensed funeral establishment
14 by moving, washing, bathing, dressing, shrouding, or repositioning human remains, or
15 by procuring and placing cooling mechanisms around human remains.
- 16 2. On the grounds that Business and Professions Code section 7619.3 requires Full Circle's
17 doulas, or plaintiffs Bonnie Murphy or Donna Peizer, to be employed by, or operate as
18 sole proprietors of, a licensed funeral establishment to move, wash, bathe, dress, shroud,
19 or reposition human remains, or to procure or place cooling mechanisms around human
20 remains. This provision is not intended to enjoin the Bureau from citing plaintiffs for
21 acting as unlicensed funeral directors by providing hands-on services, as that issue was
22 not resolved by the Summary-Judgment Order.
- 23 3. On the grounds that plaintiffs Full Circle, Murphy, Peizer or other Full Circle doulas are
24 providing free guidance or advice without a funeral establishment license or a funeral
25 director license.

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4. On the grounds that plaintiffs Full Circle, Murphy, Peizer or other Full Circle doulas are advertising, speaking about, or directing the movement, washing, bathing, dressing, shrouding, or repositioning of human remains, or procuring and placing cooling mechanisms around human remains, without a funeral establishment license.
5. On the grounds that Business and Professions Code section 7619.3 requires plaintiffs Murphy and Peizer, or Full Circle's doulas to be employed by, or operate as sole proprietors of, a licensed funeral establishment to advertise, speak about, or direct the movement, washing, bathing, dressing, shrouding, or repositioning of human remains, or procuring or placing cooling mechanisms around human remains. This provision is not intended to enjoin the Bureau from citing plaintiffs for acting as unlicensed funeral directors by providing hands-on services, as that issue was not resolved by the Summary-Judgment Order.
6. On the grounds that plaintiffs Full Circle, Murphy, Peizer or other Full Circle doulas are selling or advertising individualized end-of-life plans that do not constitute a contract for preneed funeral arrangements pursuant to Business and Professions Code section 7735 without funeral establishment or funeral director licenses.
7. On the grounds that plaintiffs Full Circle, Murphy, Peizer or other Full Circle doulas are selling or advertising educational events about end-of-life planning without funeral establishment or funeral director licenses.
8. On the grounds that plaintiffs Full Circle, Murphy, Peizer or other Full Circle doulas are using language on the Full Circle website relating to caskets, but not casketing, without funeral establishment or funeral director licenses.
9. On the grounds that plaintiffs Full Circle, Murphy, Peizer or other Full Circle doulas are advertising using the revised language identified in ECF No. 63 section II.F.2.e without funeral establishment or funeral director licenses.
10. On the grounds that plaintiffs Full Circle, Murphy, Peizer or other Full Circle doulas are using the term "home funeral guide" without funeral establishment or funeral director licenses.

4 This court shall retain jurisdiction to enforce this Permanent Injunction.

5 IT IS SO ORDERED.

6 DATED: February 10, 2023.

CHIEF UNITED STATES DISTRICT JUDGE